

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Filed: _____, 2020

INDEX NO.

LUMEN ALTRE,

Plaintiff,

Plaintiff designates Queens
County as the place of trial.

-against-

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

S U M M O N S

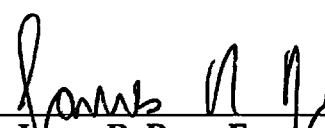
The basis of venue is
Plaintiff's Residence:
92-05 51st Avenue
Astoria, New York 10003

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service of this summons, or within 30 days after service of this summons is complete if this summons is not personally delivered to you within the State of New York.

In case of your failure to answer this summons, a judgment by default will be taken against you for the relief demanded in the complaint, together with the costs of this action.

Dated: Astoria, New York
January 21, 2020


By: James R. Bacz, Esq.
SACCO & FILLAS, LLP
Attorneys for Plaintiff
31-19 Newtown Avenue
Seventh Floor
Astoria, New York 11102
(718) 746-3440
Our File # 21495-18

SACCO & FILLAS, LLP

DEFENDANT:

WHOLE FOODS MARKET GROUP, INC.
C/O C T Corporation System
28 Liberty Street
New York, New York, 10005
(Via Secretary of State)

SACCO & FILLAS, LLP

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

LUMEN ALTRE,

INDEX NO.

Plaintiff,

**VERIFIED
COMPLAINT**

-against-

WHOLE FOODS MARKET GROUP, INC.,

Defendant.

Plaintiff, LUMEN ALTRE, by her attorneys, SACCO & FILLAS, LLP, as and for
her Verified Complaint, respectfully alleges, upon information and belief:

AS AND FOR A FIRST CAUSE OF ACTION

1. The Plaintiff, LUMEN ALTRE, at all times herein mentioned was and still is a resident of the County of Queens and the State of New York.
2. The Defendant WHOLE FOODS MARKET GROUP, INC., at all times herein mentioned was and still is a foreign business corporation organized and existing under the laws of the State of Delaware, and duly licensed and authorized to do business in the State of New York.
3. The defendant, WHOLE FOODS MARKET GROUP, INC., at all times herein mentioned conducted and carried on business in the County of New York and the State of New York.
4. The defendant, WHOLE FOODS MARKET GROUP, INC., at all times herein mentioned was and still is a partnership doing business in the County of New York and the

SACCO & FILLAS, LLP

State of New York.

5. The defendant, WHOLE FOODS MARKET GROUP, INC., at all times herein mentioned was and still is a limited liability partnership doing business in the County of New York and the State of New York.

6. The defendant, WHOLE FOODS MARKET GROUP, INC., at all times herein mentioned was and still is a limited liability corporation doing business in the County of New York and the State of New York.

7. The defendant, WHOLE FOODS MARKET GROUP, INC., at all times herein mentioned was and still is a sole proprietorship doing business in the County of New York and the State of New York.

8. At all times herein mentioned, defendant WHOLE FOODS MARKET GROUP, INC. transacted business within the State of New York.

9. At all times herein mentioned, defendant WHOLE FOODS MARKET GROUP, INC. derived substantial revenue from goods used or consumed or services rendered in the State of New York.

10. At all times herein mentioned, defendant WHOLE FOODS MARKET GROUP, INC. expected or should reasonably have expected its acts to have consequences in the State of New York.

11. At all times herein mentioned, defendant WHOLE FOODS MARKET GROUP, INC. derived substantial revenue from interstate or international commerce.

12. At all times herein mentioned, the Defendant, WHOLE FOODS MARKET GROUP, INC., owned the premises located at 4 Union Square South, New York, New York 10003.

13. At all times herein mentioned, the Defendant, WHOLE FOODS MARKET GROUP, INC., was one of the owners of the premises located at 4 Union Square South, New York, New York 10003.

14. At all times herein mentioned, the Defendant, WHOLE FOODS MARKET GROUP, INC., was a lessee of the premises located at 4 Union Square South, New York, New York 10003.

15. At all times herein mentioned, the Defendant, WHOLE FOODS MARKET GROUP, INC., Defendant's servants, agents and/or employees operated the premises located at 4 Union Square South, New York, New York 10003.

16. At all times herein mentioned, the Defendant, WHOLE FOODS MARKET GROUP, INC., Defendant's servants, agents and/or employees maintained the premises located at 4 Union Square South, New York, New York 10003.

17. At all times herein mentioned, the Defendant, WHOLE FOODS MARKET GROUP, INC., Defendant's servants, agents and/or employees managed the premises located at 4 Union Square South, New York, New York 10003.

18. At all times herein mentioned, the Defendant, WHOLE FOODS MARKET GROUP, INC., Defendant's servants, agents and/or employees controlled the premises located

at 4 Union Square South, New York, New York 10003.

19. At all times herein mentioned, the Defendant, WHOLE FOODS MARKET GROUP, INC., Defendant's servants, agents and/or employees supervised the premises located at 4 Union Square South, New York, New York 10003.

20. On or before October 2, 2018, the Defendant, WHOLE FOODS MARKET GROUP, INC., its agents, servants and/or employees, repaired the premises located at 4 Union Square South, New York, New York 10003.

21. On or before October 2, 2018, the Defendant, WHOLE FOODS MARKET GROUP, INC., its agents, servants and/or employees, inspected the premises located at 4 Union Square South, New York, New York 10003.

22. On or before October 2, 2018, the Defendant, WHOLE FOODS MARKET GROUP, INC., its agents, servants and/or employees, designed the premises located at 4 Union Square South, New York, New York 10003.

23. At all times herein mentioned, it was the duty of the Defendant, WHOLE FOODS MARKET GROUP, INC., its agents, servants and/or employees to maintain said premises located at 4 Union Square South, New York, New York 10003, in a reasonably safe and suitable condition and in good repair.

24. At all times herein mentioned Plaintiff, LUMEN ALTRE, was lawfully upon the aforesaid premises located at 4 Union Square South, New York, New York 10003.

25. That on October 2, 2018, while Plaintiff, LUMEN ALTRE, was lawfully upon the

aforesaid premises located at 4 Union Square South, New York, New York 10003, she was struck by falling inventory and/or shelves, severely injuring Plaintiff.

26. Solely as a result of the Defendant's negligence, carelessness and recklessness, Plaintiff, LUMEN ALTRE, was caused to suffer severe and serious personal injuries to mind and body, and further, that LUMEN ALTRE was subjected to great physical pain and mental anguish.

27. By reason of the foregoing, Plaintiff, LUMEN ALTRE, was severely injured and damaged, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, some of which injuries are believed to be permanent in nature and duration, and LUMEN ALTRE will be permanently caused to suffer pain, inconvenience and other effects of such injuries; LUMEN ALTRE incurred and in the future will necessarily incur further hospital and/or medical expenses in an effort to be cured of said injuries; and LUMEN ALTRE will be unable to pursue LUMEN ALTRE's usual duties with the same degree of efficiency as prior to this accident, all to LUMEN ALTRE's great damage.

28. As a result of the foregoing, Plaintiff has become more sick, sore, lame and disabled, has sustained severe serious injuries, has suffered and will continue to suffer severe mental and nervous shock with accompanying pain, has required medical treatment and was and will be unable to attend to her usual duties for a long period of time; was obliged to and did expend large sums of money for medical care and attention and will be required to expend additional sums of money for medical care in the future to attend to her injuries which she believes to be a permanent nature.

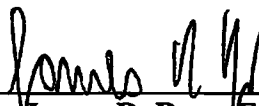
29. As a result of the foregoing negligence of the Defendant, Plaintiff has expended and become obligated for the sums of money for medical care and attention for the Plaintiff in an effort to cure her of her injuries and to alleviate her pain and suffering; was caused to incur damages.

30. The aforesaid occurrence was caused by the negligence of the Defendant, without any culpable conduct on the part of Plaintiff, LUMEN ALTRE.

31. This action falls within one or more of the exceptions set forth in Section 1602 of the Civil Practice Law and Rules.

WHEREFORE, Plaintiff demands judgment against the Defendant, herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Astoria, New York
January 21, 2020


By: **James R. Baez, Esq.**
SACCO & FILLAS, LLP
Attorneys for Plaintiff(s)
31-19 Newtown Avenue
Seventh Floor
Astoria, New York 11102
(718) 746-3440
Our File # 21495-18

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF _____

INDEX NO.:

LUMEN ALTRE

**ATTORNEY'S
VERIFICATION**

Plaintiff(s),

-against-

WHOLE FOODS MARKET GROUP, INC.

Defendant(s).

James R. Baez, Esq., an attorney duly admitted to practice law in the State of New York, makes the following affirmation under the penalty of perjury:


I am of the firm of SACCO & FILLAS, LLP, the attorneys of record for the plaintiff.

I have read the foregoing and know the contents thereof; the same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief and that as to those matters, I believe them to be true.

This verification is made by affirmant and not by plaintiff because she is not in the County of Queens, which is the County where your affirmant maintains offices.

The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are correspondence had with the said plaintiff, information contained in the said plaintiff's file, which is in affirmant's possession, and other pertinent data relating thereto.

Dated: Astoria, New York
January 21, 2020


James R. Baez, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

Index No.

LUMEN ALTRE,

Plaintiff,

-against-

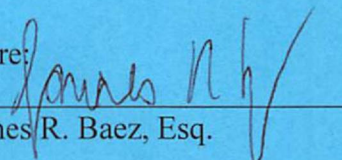
WHOLE FOODS MARKET GROUP, INC.,

Defendant.

SUMMONS and VERIFIED COMPLAINT

Pursuant to 22 NEW YORKCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed documents are not frivolous.

Dated: Astoria, New York
January 21, 2020

Signature: 

By: James R. Baez, Esq.

SACCO & FILLAS, LLP
Attorneys for Plaintiff
Lumen Altre
31-19 Newtown Avenue
Seventh Floor
Astoria, New York 11102
(718) 746-3440
Our File # 21495-18

SACCO & FILLAS, LLP

LUMEN ALTRE

against

Plaintiff(s)

INDEX# 701833/2020

Date filed 2/3/2020

WHOLE FOODS MARKET GROUP, INC.

Defendant(s)

STATE OF NEW YORK

COUNTY OF ALBANY

SECRETARY OF STATE - AFFIDAVIT OF SERVICE

NICOLE HOOKER being duly sworn, deposes and says that deponent is not a party to this action, is over the age of 18 years and has a principal place of business in the County of Albany, State of New York. That on **2/11/2020 at 3:57 PM**, at the office of the Secretary of State, of the State of New York in the City of Albany, New York at 99 Washington Avenue, he/she served a true copy of a

NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING, SUMMONS AND VERIFIED COMPLAINT,

on **WHOLE FOODS MARKET GROUP, INC., Defendant** in this action.

By delivering to and leaving with **AMY LESCH**, authorized agent in the office of the Secretary of the State, State of New York, personally at the office of the Secretary of State, of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of \$40.00, unless exempt by law. That said service was made pursuant to Section 306 BCL

Bearing Index Number and Filing Date endorsed thereon.

[] Deponent additionally served upon the above named defendant one (1) true copy of the RPAPL SEC. 1303 Homeowner's Foreclosure Notice which was printed in bold, 14 point font size and printed on colored paper which is a color other than said pleading

Description Description of the Recipient is as follows:

A Female with White skin, Blonde hair, who is approximately 46 years of age and has an approximate height of 5' 6" and approximate weight of 170 pounds.

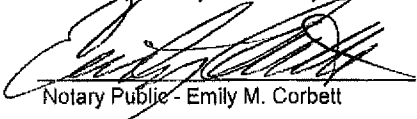
Other identifying features are as follows: None.



NICOLE HOOKER
Process Server

State of New York
County of Albany

Sworn to before me on This 12 day of February 2020



Notary Public - Emily M. Corbett

Michelle M. Santsprea
Notary Public, State of New York
NO. 01SA5047611
Qualified in Albany County
Commission Expires August 7, 2021

Emily M. Corbett
Notary Public, State of New York
No. 01CO6299470
Qualified in Albany County
Commission Expires March 24, 2022

PREFERRED PROCESS SERVERS - 166-06 24th ROAD, LL - WHITESTONE, NY 11357 - 718-362-4890